

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

AMANDA LEA SEXTON and TONEY  
 ANTHONY WHITE,

Plaintiffs,

v.

COUNTY OF CLARK NEVADA et al.,

Defendants.

2:16-cv-00734-RFB-VCF

**ORDER**

**I. DISCUSSION**

On April 21, 2016, this Court issued an order noting that Plaintiff Sexton had submitted an incomplete application to proceed *in forma pauperis* and that Plaintiff White had not submitted any application to proceed *in forma pauperis*. (ECF No. 2 at 1). The Court denied Plaintiff Sexton's application to proceed *in forma pauperis* without prejudice. (*Id.*). The Court directed Plaintiffs Sexton and White to either (1) individually file fully complete applications to proceed *in forma pauperis* or (2) pay the full \$400 for filing a civil action within 30 days from the date of that order. (*Id.* at 2).

On May 2, 2016, Plaintiff White filed one page of the application to proceed *in forma pauperis*. (ECF No. 3). Plaintiff White's application to proceed *in forma pauperis* is incomplete. On May 9, 2016, Plaintiffs filed an amended complaint. (ECF No. 4). On May 13, 2016, Plaintiffs filed a motion to amend/correct complaint and a motion to receive a copy of the local rules and copies of their original complaint. (ECF No. 5, 6).<sup>1</sup> In those motions, Plaintiffs stated that Plaintiff White has submitted a completed application to proceed *in forma pauperis* and that Plaintiff Sexton's application is "pending." (ECF No. 5 at 1). Plaintiffs also

<sup>1</sup> The two motions are identical. (See ECF No. 5, 6).

1 requested copies of the local rules and copies of their initial complaint for each of them. (*Id.*).  
2 On May 19, 2016, Plaintiff filed another application to proceed *in forma pauperis*. (ECF No.  
3 7). This application is also incomplete.

4 Pursuant to 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, each Plaintiff must  
5 complete an application to proceed *in forma pauperis* and attach both an inmate account  
6 statement for the past six months and a properly executed financial certificate. Plaintiff White  
7 has not submitted a completed application to proceed *in forma pauperis*, a properly executed  
8 financial certificate, or an inmate account statement.<sup>2</sup> (See ECF No. 3). As such, Plaintiff  
9 White's *in forma pauperis* application is denied without prejudice. Plaintiff White will be  
10 granted one final opportunity to cure the deficiencies of his application to proceed *in forma*  
11 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff White chooses  
12 to file a new application to proceed *in forma pauperis*, he must file a fully complete application  
13 to proceed *in forma pauperis*. If Plaintiff White files another incomplete application to proceed  
14 *in forma pauperis*, the Court will dismiss Plaintiff White from the case in its entirety, without  
15 prejudice, to file a new case when Plaintiff White is able to acquire the necessary documents  
16 to file a complete application to proceed *in forma pauperis*.

17 Plaintiff Sexton's application to proceed *in forma pauperis* is incomplete because she  
18 has not included an inmate account statement. (See ECF No. 7). The Court denies Plaintiff  
19 Sexton's application to proceed *in forma pauperis* without prejudice. Plaintiff Sexton will also  
20 be granted one final opportunity to cure the deficiencies of her application to proceed *in forma*  
21 *pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff Sexton files  
22 another incomplete application to proceed *in forma pauperis*, the Court will dismiss Plaintiff  
23 Sexton from the case in its entirety, without prejudice, to file a new case when Plaintiff Sexton  
24 is able to acquire the necessary documents to file a complete application to proceed *in forma*  
25 *pauperis*.

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27 <sup>2</sup> The application to proceed *in forma pauperis* is four pages long. The financial  
28 certificate is on page 4 of the application and must be completed by the inmate and a properly  
authorized jail or prison official.

1 With respect to the motion to amend the complaint, the Court grants the motion. (ECF  
2 No. 5). However, the Court is unclear whether the amended complaint submitted on May 9,  
3 2016 (ECF No. 4) is the operative amended complaint. If the May 9, 2016, amended  
4 complaint is the operative amended complaint, Plaintiffs must notify the Court in writing on or  
5 before Wednesday, June 22, 2016. Additionally, if Plaintiffs intend to file a second amended  
6 complaint, they must do so on or before Wednesday, June 22, 2016.

7 With respect to the copy of the local rules, the Court grants the motion in part. The  
8 Court directs the Clerk of the Court to send each Plaintiff Sexton and Plaintiff White a copy of  
9 the District of Nevada's Local Rules of Practice sections IA Introduction (LR IA 1-1 through LR  
10 IA 11-8) and Part V Special Proceedings and Appeals (LSR 1-1 through LSR 6-3).

11 The Court denies Plaintiffs' request for copies of the complaint for each of them. The  
12 Court cannot provide copies or mailing service for parties, even indigent plaintiffs proceeding  
13 *in forma pauperis*. If Plaintiffs wish to receive copies of electronically filed documents from the  
14 Court, the cost is \$0.10 per page. See Local Rule IC 1-1(i)(5). If Plaintiffs wish to receive a  
15 file-stamped copy of any pleading or other paper, Plaintiffs must include one (1) additional  
16 copy for that purpose in their mail filing.

## 17 **II. CONCLUSION**

18 For the foregoing reasons, IT IS ORDERED that the applications to proceed *in forma*  
19 *pauperis* (ECF No. 3, 7) are DENIED without prejudice to file a new application.

20 IT IS FURTHER ORDERED that the Clerk of the Court SHALL SEND Plaintiff White  
21 and Plaintiff Sexton each the approved form application to proceed *in forma pauperis* by a  
22 prisoner, as well as the document entitled information and instructions for filing an *in forma*  
23 *pauperis* application.

24 IT IS FURTHER ORDERED that **on or before Wednesday, June 22, 2016**, Plaintiffs  
25 Sexton and White shall either: (1) individually file a fully complete application to proceed *in*  
26 *forma pauperis*, on the correct form with complete financial attachments in compliance with  
27 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a civil action (which includes the \$350  
28 filing fee and the \$50 administrative fee).

1 IT IS FURTHER ORDERED that, if Plaintiffs Sexton or White's next application to  
2 proceed *in forma pauperis* is incomplete, the Court will dismiss that plaintiff from the case,  
3 without prejudice, for that plaintiff to file a new case when she or he is able to acquire the  
4 necessary documents to file a complete application to proceed *in forma pauperis*.

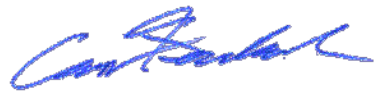
5 IT IS FURTHER ORDERED that if Plaintiffs do not timely file their applications to  
6 proceed *in forma pauperis*, dismissal of this action may result.

7 IT IS FURTHER ORDERED that the motion to amend/correct complaint (ECF No. 5)  
8 is granted.

9 IT IS FURTHER ORDERED that if Plaintiffs intend to file a second amended complaint,  
10 Plaintiffs shall file the second amended complaint **on or before Wednesday, June 22, 2016**.  
11 If Plaintiffs intend for the amended complaint submitted on May 9, 2016 (ECF No. 4) to be the  
12 operative complaint, Plaintiffs must notify the Court in writing **on or before Wednesday, June**  
13 **22, 2016**.

14 IT IS FURTHER ORDERED that the motion for copy of local rules (ECF No. 6) is  
15 granted in part. The Clerk of the Court shall send each Plaintiff a copy of the District of  
16 Nevada's Local Rules of Practice sections IA Introduction (LR IA 1-1 through LR IA 11-8) and  
17 Part V Special Proceedings and Appeals (LSR 1-1 through LSR 6-3).

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19 DATED: This 23<sup>rd</sup> day of May, 2016.

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22 United States Magistrate Judge  
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